

EXHIBIT 29

From: [Betsy Schonhoff](#)
To: [VRTeam](#)
Subject: MASS EMAIL (VR/EA-111) – List Maintenance (Eligibility) Webinar
Date: Friday, January 25, 2019 9:00:18 AM
Attachments: [List Maintenance \(Eligibility\) Full Slide.pdf](#)

Dear County,

Our records indicate that your county did not participate in any of the many training opportunities provided this month discussing “List Maintenance (Eligibility)” in preparation of Non U.S. Citizen data obtained from DPS that will be matched against the TEAM system. As you were not able to attend a training session, we wanted to share a copy of the presentation that was used during these trainings for your review and to assist you in all of your list maintenance activities that relate to eligibility.

To that end, attached and for your review, please find the presentation conducted. We will send notice to all counties prior to running the DPS Non U.S. Citizen Data Comparison process and encourage you to review the attached materials and ask questions prior to that occurring.

Should you have any questions or concerns regarding this information or need additional information or assistance, please do not hesitate to contact a member of the VR Team at (800) 252-2216, option 1. Thank you.

Sincerely,

Betsy Schonhoff
Voter Registration Manager
Office of the Texas Secretary of State

List Maintenance (Eligibility)



1/5/2019

List Maintenance

- **Sec. 15.022** – Correction of Voter Registration Records
- **Sec. 16.033** – Investigation of Voter Eligibility
- **Sec. 15.051** – Confirmation of Residency
- **Sec. 16.031** – Immediate Cancellations
- **Sec. 16.037** – Reinstating Cancelled Voter Records

KEY REMINDER:

Eligibility = Examination

Residency = Confirmation



INVESTIGATION OF VOTER ELIGIBILITY BY REGISTRAR

Portions of Code that are good to know:

Qualifications of a Voter:

- Section 11.002, Election Code
Eligibility for Registration:

- Section 13.001, Election Code
Cancellation Following Investigation:

- Section 16.033, Election Code



Investigation of Voter Eligibility

POTENTIAL REASONS FOR INVESTIGATION

- Deceased,
- Convicted of a Felony,
- Mentally incapacitated or partially mentally incapacitated without the right to vote,
- Not a U.S. Citizen, or
- Underage



Investigation of Voter Eligibility

FORMS USED IN THE INVESTIGATION OF ELIGIBILITY

- Notice of Examination
 - Notice of Examination
 - Response to Notice of Examination
- Notice of Examination for Death
- Notice to Registered Voter for Proof of Citizenship
- Notice of Cancellation (if applicable)
- Notice of Reinstatement (if applicable)

All forms may be found in Chapter 17 of our Forms Index.



Investigation of Voter Eligibility

Sec. 16.033. Cancellation following investigation by registrar (a) The registrar may use any lawful means to investigate whether a registered voter is currently eligible for registration in the county. This section does not authorize an investigation of eligibility that is based solely on residence.



Investigation of Voter Eligibility

Sec. 16.033. Cancellation following investigation by registrar (b) If the registrar has reason to believe that a voter is no longer eligible for registration, the registrar shall deliver written notice to the voter indicating that the voter's registration status is being investigated by the registrar. The notice shall be delivered by **forwardable mail to the mailing address** on the voter's registration application **and to any new address** of the voter known to the registrar. If the secretary of state has adopted or recommended a form for a written notice under this section, the registrar must use that form.



INVESTIGATION OF VOTER ELIGIBILITY BY REGISTRAR

Portions of Code that are good to know:

DATA SOURCES & HANDLING:

- ☐ Deceased – Sections 16.001 and 18.068, Election Code
- ☐ Mental Incapacity – Section 16.002, Election Code
- ☐ Felony Conviction – Section 16.003, Election Code
- ☐ U.S. Citizenship Status – Sections 16.0332 and 18.068, Election Code and Sections 62.113 and 730.005, Transportation Code



Investigation of Voter Eligibility

- **TASKS from SOS:** A registrar may investigate as long as the registrar **has reason to believe** a person is not in fact eligible. To that end, there are several data sources resulting in task notifications for registrars. For nearly all tasks, the registrar may choose whether or not the data provided is enough to warrant an investigation.
- **OTHER Sources:** The registrar may use any lawful means to investigate whether a registered voter is currently eligible for registration in the county. Section 16.033, however, does not authorize an investigation of eligibility that is based solely on residence.



Investigation of Voter Eligibility

- **HELPFUL HINT:** The registrar has the ability to determine whether or not to investigate based on the information provided by the Secretary of State **EXCEPT** in the following two scenarios:
 - **Strong Match Deceased:** Any deceased record that is strong matched to an existing voter record will result in the automatic cancellation of the voter. Notice is sent to the registrar, but no task for the registrar to investigate the voter is generated.



Investigation of Voter Eligibility

- **HELPFUL HINT:** The registrar has the ability to determine whether or not to investigate based on the information provided by the Secretary of State **EXCEPT** in the following two scenarios:
 - **Non U.S. Citizen information generated by the clerk of the court:** Any voter identified appearing on the list provided by the clerk of the court as having claimed exemption from jury service due to not being a citizen of the United States **must be investigated.**



Investigation of Voter Eligibility

This information is sent by the state to the county to notify the county that some action needs to be taken on the voter record. The primary difference between a task and other information provided is that a task requires the county to send information back to the state in order to complete this cycle. Online counties get the tasks on their Dashboard, but Offline counties receive them via export: The following are “tasks” sent to offline counties:

Code	Description	Denotes
2	Felon Notification	Possible Felon – information provided by DPS matched the voter record.
3	Deceased Notification	Possible Deceased – Weak Match Deceased Record
15	Non U.S. Citizen Notification	Individual indicated they were exempt from jury duty due to not being a U.S. citizen
16	DPS Non U.S. Citizen Notification	Possible Non U.S. Citizen – information provided by DPS matched the voter record.

NOTE: Cancellation of permanent voter records will also result in the cancellation of any linked FPCA.



Investigation of Voter Eligibility

Possible matches will be created when a data match is identified for a registered voter. As a reminder, a person is considered a registered voter if the person's voter status is either **ACTIVE** or **SUSPENSE**. A voter may be investigated so long as the voter is deemed a registered voter. If the voter is cancelled through another means after the notification is issued, but before the registrar works the task, the notice will automatically close from the Dashboard. This applies to all "weak" match notification sent to the county:

- Possible Deceased
- Possible Felon
- Possible Non U.S. Citizen



Investigation of Voter Eligibility

Matching Information Provided from SOS

- **FELON** - Each weekday the **Department of Public Safety** is regularly open for business, the department shall:
 - (1) prepare an abstract of each final judgment received by the department convicting a person 18 years of age or older who is a resident of the state of a felony; and
 - (2) file each abstract with the secretary of state.
(Sec. 16.003, Election Code)



Investigation of Voter Eligibility

Matching CRITERIA for Felon Data

- Last/Former Name, First Name, TDL
- Last/Former Name, First Name, SSN (9 digits)
- Last/Former Name, First Name, SSN (4 digits)
- TDL and DOB

NOTE: All possible Felon matches are “weak” matches.



Investigation of Voter Eligibility

Matching Information Provided from SOS

- **DECEASED** – Sources listed in Section 16.001, Election Code
 - Local Registrars of Death (16.001(a))
 - Clerk of the Court (16.001(b))
 - Bureau of Vital Statistics (16.001(c))
 - Social Security Administration (16.001(d))



Investigation of Voter Eligibility

Strong Match Deceased

- Last/Former Name, First Name, SSN (9 digits) and DOB

NOTE: The secretary of state will cancel the voter record and send notification to the county of cancellation.

- LRD/COC and BVS reported as Cancel Code 19
- Death Master File (DMF) reported as Cancel Code 29



Investigation of Voter Eligibility

Weak Match Deceased

- Last / Former Name and Full SSN (9 digits)
- Full SSN (9 digits) and DOB
- 4 Digit SSN, DOB, and One or More Name

Component(s):

- Last Name to Last / Former Name
- Last Name to Middle Name
- First Name to First Name (excluding a Last Name included match)
- Middle Name or Middle Initial Match (excluding any additional name match)
- First Name, Last / Former Name and Date of Birth



Investigation of Voter Eligibility

Matching Information Provided from SOS

- **NON U.S. CITIZEN** – This information is provided by the clerk of the court and is compared to the voter roles under 18.068, Election Code.

(Section 62.113, Government Code)

- **DPS NON U.S. CITIZEN** – This information is provided by the **Department of Public Safety** and is compared to the voter roles.

(Section 730.005, Transportation Code)



Investigation of Voter Eligibility

Matching CRITERIA for Non Citizen Data

- **NON U.S. CITIZEN**

- VUID
- TDL and DOB

- **DPS NON U.S. CITIZEN**

- Last/Former Name, First Name, TDL
- Last/Former Name, First Name, SSN (9 digits)
- Last/Former Name, First Name, SSN (4 digits) and DOB

NOTE: All possible Non U.S. Citizen matches are “weak” matches.



Investigation of Voter Eligibility

- **DPS NON U.S. CITIZEN Reminder:**

Regardless of the data source, the county may not cancel a voter based on the information provided without sending a Notice of Examination (Proof of Citizenship Letter) first and following that process. Because the registrar is only receiving information from the clerk of the court (for Jury Data Matches) or DPS (for DPS Data Matches), the registrar does not possess enough information and is not authorized to immediately cancel a voter from the voter registration rolls under current law.



Voter Tasks

EXAMINATION - Each type of task has its own rules and regulations regarding the actions:

- **Possible Felons (Event Type 2):** A registrar may send a **Notice of Examination** (initiating a 30 day response period before cancelling the voter). The registrar may (under 16.031(a)(3)) immediately cancel a registered voter based on this task, but it is not recommended.
- **Possible Deceased (Event Type 3):** A registrar may send a Notice of Examination, which is called **Verification of Voter Status** (initiating a 30 day response period before cancelling the voter), or cancel the voter immediately (under 16.031) if the registrar determines that the voter is deceased.
- **Non U.S. Citizen Notification (Event Type 15)** A registrar should send a Notice of Examination, which is called **Notice for Proof of Citizenship** (initiating a 30 day response period before cancelling the voter), but **may not** immediately cancel a registered voter based on this task.
- **DPS Non U.S. Citizen Notification (Event Type 16):** A registrar may send a Notice of Examination, which is called **Notice for Proof of Citizenship** (initiating a 30 day response period before cancelling the voter. The registrar **may not** cancel the voter without investigating first



Other Sources

CLERK OF THE COURT

What is shared	Voter Impact	Applicable Portion of law
Mental Impairment - either with or without the right to vote – Exemption (Court Order)	If Court Order includes: “Without the right to vote”, then voter is cancelled immediately.	- 62.109(c), TGC - 62.001(e), TGC - 16.031(a)(3), TEC
Non County Resident Excuses or Disqualifications	Registrar <u>must</u> send Notice of Address Confirmation and Response device	- 62.114, TGC - 15.081(a)(3), TEC
Other Jury Summons Response information -- Under 18 years of age -- Deceased notation on form -- Returned Mail for address issues	-- Under Age: Registrar <u>should</u> send Notice of Examination -- Deceased: Registrar <u>may</u> send Notice of Examination (Verification of Voter Status) -- Returned Mail: Registrar <u>should</u> send a Notice of Address Confirmation	- 62.0132(g), TGC - 62.102(8), TGC - 62.102(9), TGC - 11.002(a), TEC - 15.051(a), TEC - 16.033(b), TEC



- **HB4034 adds “Other Jury Summons Response” information.**

Investigation of Voter Eligibility

H.B. 4034 (Bohac): Allows information from the jury questionnaire “other than information provided that is related to **Section 62.102(8) or (9)**” (Misdemeanor Theft or Felon responses), to be shared with the voter registrar of a county in connection with any matter of voter registration or the administration of elections.”

NOTE: the registrar **should still never have** possession of the questionnaire. The Clerk of the Court **should only provide** information (other than misdemeanor theft or felon information) to the registrar.

Effective: Immediately (June 12, 2017)

Mass E-mail Advisory sent June 13, 2017



Investigation of Voter Eligibility

Sec. 16.033. Cancellation following investigation by registrar (d) Except as provided by Subsection (e), the registrar shall cancel a voter's registration if:

- (1) after considering the voter's reply, the registrar determines that the voter is not eligible for registration;
- (2) no reply is received from the voter on or before the 30th day after the date the notice is mailed to the voter under Subsection (b); or
- (3) each notice mailed under Subsection (b) is returned undelivered to the registrar with no forwarding information available.



Required Response from Voter:

Voter Investigated For:	Method of Resolution	Election Code
Deceased	May respond in Writing or Orally (Registrar should prepare memo to file)	16.033(f)
Felony Conviction	May respond in Writing or Orally (Registrar should prepare memo to file)	16.033(f)
Mentally incapacitated or partially mentally incapacitated without the right to vote	May respond in Writing or Orally (Registrar should prepare memo to file)	16.033(f)
Not a U.S. Citizen	Must provide proof of United States citizenship in the form of a certified copy of the voter's birth certificate, United States passport, or certificate of naturalization.	16.0332(a)
Underage	May respond in Writing or Orally (Registrar should prepare memo to file)	16.033(f)



Investigation of Voter Eligibility

Sec. 16.033. Cancellation following investigation by registrar (f) The registrar shall retain a copy of the notice mailed to a voter under this section on file with the voter's registration application. If the **voter's reply** to the notice is **in writing**, the registrar shall also retain the reply on file with the application. If the reply is oral, the registrar shall prepare a memorandum of the reply, indicating the substance and date of the reply, and shall retain the memorandum on file with the application.



Cancelling a Voter in Response to a Task

ET	Activity Type	Cancel Reasons
2	Examination for Felony	16 or 18
3	Examination for Deceased	16 or 19
15 or 16	Examination for Citizenship	16 or 24

<u>Cancellation Reason</u>	
Code	Description
16	Failure to respond to Notice of Investigation
18	Felony
19	Deceased
24	Non U.S. Citizen



Investigation of Voter Eligibility

QUESTION: *The voter is on Suspense, but I have information indicating the voter may be ineligible (deceased, felon, etc.) - Can I still investigate the voter?*

ANSWER: Yes. A voter's registration may not be canceled during an eligibility investigation if the voter's name appears on the suspense list unless the notice mailed to the voter indicated that the registrar had reason to believe that the voter is not eligible for registration because of a ground other than a ground based on residence. (Section 16.033(e), Election Code)



Investigation of Voter Eligibility

QUESTION: *What about Residency? How do I investigate the voter when I think they no longer reside in my county?*

ANSWER: Investigation does not apply to residency (Section 16.033, Election Code).

- If you believe the voter has moved, you may send the voter a Notice of Address Confirmation and place the voter on Suspense. See the “Suspense List Mass Cancellation Process” Mini-manual for more information on this process.
- It should be noted that different timelines apply to investigation (30 day response time set) as compared to issuing a Notice of Address Confirmation (voter remains in Suspense Status for at least two federal cycles).



IMMEDIATE CANCELLATIONS –

SECTION 16.031, ELECTION CODE

- 14 – Delete voter = used when duplicate identified
- 18 – Felony = abstract of final judgment (Recommend investigation first)
- 19 – Deceased = Abstract from LRD or COC, personal knowledge, determination of BVS match, or sworn statement (second degree)
- 20 – Mental Incapacitation = abstract of final judgment
- 21 – At Voter's Request = written request
- 22 – Out of County Confirmation Response = Notice of Address Confirmation, Limited Ballot, FPCA or notification from another state.

Note: Cancel 60 is not for county daily use and should **only** be used as a part of the Suspense Mass Cancellation.



Notice of Cancellation (16.036)

- When a voter is cancelled upon receipt of an abstract of a final judgment of the voter's total mental incapacity, partial mental incapacity without the right to vote, conviction of a felony, or disqualification under Section 16.002 (Mental Incapacity), Section 16.003 (Felony Conviction), or Section 16.004 (Disqualification in an Election Contest)
- Cancellation following an investigation (either the voter confirms the voter is not eligible or failed to respond) (Section 16.033),
- When the voter requests to be cancelled (Section 16.0331), or
- After cancellation following investigation of citizenship status (Section 16.0332)



Notice of Cancellation (16.036)

- REMINDER: Cancellation Notices are sent to the mailing address on the voter's registration application **AND** any new address known to the registrar. Cancellations notices must include the date and reason of cancellation, as well as a brief explanation of the voter's right to challenge the cancellation and appeal the registrar's decision. Cancellations should be sent not later than the 30th day after the date of cancellation.



REINSTATEMENTS

The Texas Election Code provides the voter registrar the ability to reinstate a voter under section 16.037 if “the registrar determines after cancellation of a registration that the registration should not have been cancelled.” Keep in mind that under section “(d) A reinstatement of a registration takes effect immediately.”



To reinstate a voter the registrar would:

1. **Determine the reason the voter was cancelled -**
If the voter was cancelled because the voter requested the cancellation or moved to a different county, then the voter would not be eligible for reinstatement. In these instances, it is best practice to confirm through the active/inactive file or with the other county that the voter is, in fact, ineligible for reinstatement.



To reinstate a voter the registrar would:

2. **Determine Eligibility for Reinstatement** - Once the registrar determines the reason the individual was cancelled, the registrar would then need to determine whether or not the voter is eligible for reinstatement
3. **Reinstate Voter (if eligible)** - It should be noted that reinstatement simply means that the voter registrar is reinstating the voter to the same state the voter was in prior to being cancelled.



To reinstate a voter the registrar would:

4. Send Notice to the Voter of Reinstatement - Once a voter has been reinstated, the registrar is required, under section 16.038, to “deliver written notice of the reinstatement to the voter. The notice shall be delivered by mail to the mailing address on the voter's registration application and to any new address known to the registrar. The notice must include the date of and reason for the reinstatement.”



To reinstate a voter the registrar would:

5. **File Response in Active Voter File** - A copy of the voter's response should be filed with the voter's application

Sec. 16.033(f) - The registrar shall retain a copy of the notice mailed to a voter under this section on file with the voter's registration application. If the voter's reply to the notice is in writing, the registrar shall also retain the reply on file with the application. If the reply is oral, the registrar shall prepare a memorandum of the reply, indicating the substance and date of the reply, and shall retain the memorandum on file with the application.



To reinstate a voter the registrar would:

5. **File Response in Active Voter File** - A copy of the voter's response should be filed with the voter's application

The registrar must "enter the date of and reason for the reinstatement on the voter's registration application and duplicate registration certificate, make any appropriate corrections in the registration records, and take any other action necessary to give effect to the reinstatement" in accordance with 16.037(c) of the Election Code.



Responsibilities of a VR

- Per Section 16.037(b), Election Code, if, after canceling a voter's registration under the **Mass Cancellation of Suspense Voters**, the registrar receives a Statement of Residence executed by the voter at an election held before the date the voter's registration was required to be canceled, the registrar shall reinstate the registration. Keep in mind that a reinstatement takes effect immediately, and the registrar is required to enter the date of and reason for the reinstatement on the voter's registration application and duplicate registration certificate, make any appropriate corrections in the registration records, and take any other action necessary to give effect to the reinstatement. (Section 16.037(c) & (d), Election Code)



Reinstatement Vs. Reregistration

Reinstatement vs. Reregistration

- When a voter is reinstated, the voter's record is made active in the original state the record was in at the time of cancellation, with one exception (if applicable). If a Mass Mail Out has occurred after the cancellation of the voter record, the voter's Valid From Dates will reflect the current biennial cycle.
- If a voter was properly cancelled and is reregistering in the county, then the voter record is not eligible for reinstatement and would be treated as any new voter to the county – receiving new Valid From and EDR dates.



Helpful Documentation Available on DocShare

1. Cancellations and Reinstatements
2. Jury Quick Reference
3. Processing a Voter Application
4. Statements of Residence
5. Suspense List Mass Cancellation Process
6. Voter Registration Notices – Mailing Quick Reference Guide



Thank You

For more information contact the
VR Team @ 800-252-2216 Opt. 1

